

### REMARKS

Applicant wishes to extend his appreciation to the Examiner, Mr. Tai T. Nguyen, for the courtesies extended during the telephonic interview conducted on April 25, 2005, and for his assistance in advancing the prosecution of the present application. During the interview independent claim 1 and U.S. Patent No. 5,790,974 to ("*Tognazzini*") were discussed. No agreement with respect to the patentability of the claims was reached. The following remarks expand on the substance of the interview.

Claims 1-11, and 13-47 are pending, with claim 1 being the independent claim. Claim 1 has been amended. No new matter has been added by way of this amendment. Reconsideration of the application is respectfully requested.

In the July 1, 2004 Office Action, the drawings were objected to by the Examiner on the basis that "all numeric blocks of Figures 1-2 need to be labeled with descriptive legends." (July 1, 2004 Office Action, ¶2). In response to this objection, proposed drawings changes were submitted. In the February 9, 2005 Office Action, the Examiner failed to indicate whether the drawing changes were approved. A notice indicating approval of the drawing changes is requested.

In the February 9, 2005 Office Action, independent claims 1 and dependent claims 1, 7, 9-10, 13-18, 25-30, 32-37, and 39 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,790,974 to *Tognazzini*. Dependent claims 8, 19-24, 31, 38, and 46 were rejected under 35 U.S.C. §103(a) as being obvious over *Tognazzini* in view of U.S. Patent No. 5,307,400 to *Sawyer et al.* Dependent claims 11, 40-45 and 47 were rejected under 35 U.S.C. §103(a) as being obvious over *Tognazzini*. For the following reasons reconsideration of the rejections are requested.

Independent claim 1 has been amended to recite that "the alert processor is further arranged to actuate the alerting unit in a manner dependent on the stored place for the appointment entry and the determined location of the personal organizer". Support for this limitation may be found on page 8, paragraph 3 of the specification. Therefore, no new matter has been added.

*Tognazzini* relates to a portable calendar system having a perceptual agent that receives information from different sources to manage the portable calendar system based on detected

changes (see col. 2, lines 5 thru 9). However, this patent fails to teach the limitation "the alert processor [is] further arranged to actuate the alerting unit in a manner dependent on the stored place for the appointment entry and the determined location of the personal organizer," as set forth in amended claim 1. *Tognazzini* only teaches that an audible alarm may be generated at the beginning of the time period that a person travels, or when a stored schedule must be updated. (see e.g. col. 15, lines 6-8).

With respect to *Tognazzini*, automatically activating an alarm when a user begins to travel is disadvantageous. For instance, if the user has reached a location for a specific appointment, by the time the alarm is issued the appointment may be interrupted by alarm, since it was issued while the user is at the location of the appointment (see e.g., pg. 1, ¶ 3 of the specification). In addition, the effectiveness of the personal organizer, and its popularity with users, is diminished by issuing inappropriate alarms (see e.g., pg. 2, ¶ 1 of the specification). These are all disadvantages suffered by the calendaring system disclosed in *Tognazzini*.

In contrast, the alert processor of the claimed invention is configured to "actuate the alerting unit in a manner dependent on the stored place for an appointment and the determined location of the personal organizer." Therefore, if the time of an appointment is reached and the organizer determines that it is physically at the location of the appointment, unlike the system disclosed in *Tognazzini*, the organizer set forth in amended claim 1 will either refrain from issuing an alert or it will use a modified form of alert, such as a silent alert (see page 8, ¶ 3 of the specification).

The Office Action (pg. 2, ¶ 2) states:

*Tognazzini* discloses a location-dependant personal organizer (12) for operation with a memory (30) for storing a plurality of appointment entries each including data specifying a time and place (col. 4, line 48-52) comprising:

...

an alert processor (16b) coupled to the memory, the locating unit, the clock, and the alerting unit and capable of actuating the alerting unit at a period of time before the stored time for an appointment entry that is dependant on stored place for the appointment entry and the determine location of the personal

organizer (col. 6, line, 54 through col. 7, line 10). (Emphasis added)

The Office Action (pg. 3) also states:

Regarding claims 5-7 and 16-18, Tognazzini discloses the alert processor being capable of estimating the journey time needed to travel from the location of the personal organizer to the location of the place of the appointment entry and actuating the alerting unit at a period before the stored time for an appointment entry that is dependent on that journey time and determining there is sufficient time (col. 6, line 54 through col. 7, line 10). (Emphasis added)

Col. 6, line 54 thru col. 7, line 10 of *Tognazzini* has been used to reject both independent claims 1 and dependent claims 5-7 and 16-18. *Tognazzini* (col. 6, lines 54-57) states the agent 16b identifies a next appointment entry based on the system time clock, and calculates an estimated travel time based on the current location stored in the register 26b and the location identified by the next appointment entry.

Claim 1 states the "alert processor [is] further arranged to actuate the alerting unit in a manner dependent on the stored place for the appointment entry and the determined location of the personal organizer." There is nothing in col. 6, lines 54-57 that relates to the actuation of an alerting unit. Col. 6, lines 54-57 of *Tognazzini* relates to performing time calculations.

*Tognazzini* further states, the agent 16b then selects a travel time between two locations stored in a digital map database 14b that most closely correspond to the current location of the portable calendar system and the location of the next appointment entry (see col. 6, lines 54-58). That is, *Tognazzini* teaches the selection of a travel time between two locations. It does not relate to the actuation of an alerting unit, as recited in independent claim 1.

*Tognazzini* (col. 6, lines 62-67) states, if necessary, the agent 16b may perform interpolation to approximate the estimated travel time if the identified locations in the digital map database 14b corresponding to the stored travel time information substantially varies from the locations under consideration. *Tognazzini* teaches the performance of interpolations to approximate estimated travel times. *Tognazzini*, however, fails to teach the actuation of an alerting unit in a manner that is dependent on both the stored place for an appointment entry and a determined location of the personal organizer, as recited in claim 1.

Col. 7, lines 3-7 of *Tognazzini* relates to comparing the difference between the system clock time and the scheduled time of the next appointment entry with the estimated travel time. It does not relate to the actuation of an alerting unit, as recited in claim 1.

Finally, *Tognazzini* (col. 7, lines 7-10) states, if the estimated travel time indicates that the user will be late for the next scheduled appointment, the agent 16b outputs an alert to the graphic user interface 18b to notify the user of the conflict. *Tognazzini* teaches the generation of an alarm if the user will arrive late for a next scheduled appointment. However, *Tognazzini* fails to teach the actuation of an alerting unit in a manner that takes into account both the stored place for the appointment and the current location of the personal organizer.

In responding to Applicant's remarks filed September 27, 2004, the Office Action states:

a. Applicant argues that *Tognazzini* fails to disclose the newly added limitation of "the alert processor being arranged to actuate the alerting unit in dependent on the on stored place for that appointment entry and the determine location of the personal organizer" as set forth in amended claim 1. Examiner does not agree. *Tognazzini* discloses in col. 14, line 62 through 15, line 8 that the alert processor is arranged to activate the alerting unit depend upon the stored place of an appointment entry and the location of the portable calendar device.

...

c. Applicant ... has not claimed the *personal organizer* being configured not to actuate the alerting unit, or provide a silence alert, dependent upon the stored location for an appointment and determine location of the personal organizer, should the organizer be located at the location of the appointment at the scheduled time thereof. (Emphasis added)

Col. 14, line 62 thru col. 15, line 8 of *Tognazzini* teaches the adjustment of an estimated travel time (see col. 14, lines 62-63). This section of *Tognazzini* fails to teach the actuation of an alert unit, as recited in amended independent claim 1. Further, *Tognazzini* (col. 15, lines 5-8) states, audible alarms may be generated at the beginning of travel intervals or when the stored schedule must be updated. *Tognazzini*, however, fails to teach the actuation

of an "alerting unit in a manner dependent on the stored place for the appointment entry and the determined location of the personal organizer." Moreover, Applicant's claim 1 states that the alert processor of the personal organizer is further arranged to actuate the alerting unit. *Tognazzini* fails to teach these aspects of the present invention. In view of the foregoing, Applicant respectfully asserts that the claimed invention is patentable over *Tognazzini* and thus, reconsideration and withdrawal of the rejection of amended independent claim 1 under 35 U.S.C. §102(b) is respectfully requested.

The Office Action (pg. 4, ¶ 6) states:

*Tognazzini* discloses the instant claimed invention except for the locating unit determining the location of the personal organizer by means of cellular telephone network. *Sawyer et al.* teach the use of a cellular telephone network to locate a mobile electronic device (col. 5, lines 17-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a cellular network to determine the location of the device for the purpose of simplifying construction of the device.

*Sawyer* discloses a system for storing the temporary location of a mobile telephone subscriber for use in routing calls to that subscriber (see col. 1, lines 7-10). However, *Sawyer* fails to cure the deficiency of *Tognazzini*. Specifically, *Sawyer* also fails to teach the limitation "the alert processor being further arranged to actuate the alerting unit in a manner dependent on the stored place for the appointment entry and the determined location of the personal organizer." In view of the foregoing, Applicant respectfully asserts that amended independent claim 1 is patentable over the combination of *Tognazzini* and *Sawyer*. Therefore, reconsideration and withdrawal of the rejections under 35 U.S.C. §102 and §103 are respectfully requested.

Based on the patentability of amended independent claim 1 for the reasons set forth above, dependent claims 2-11, and 13-47 are also patentable. Applicant respectfully submits that this application is in condition for allowance, and such action is respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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